

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BOROUGH OF EDGEWATER,

Plaintiff,

v.

WATERSIDE CONSTRUCTION, LLC; 38  
COAH , LLC; DAIBES BROTHERS, INC.;  
NORTH RIVER MEWS ASSOCIATES, LLC;  
FRED A. DAIBES; TERMS  
ENVIRONMENTAL SERVICES, INC.;  
ALCOA INC.; ALCOA DOMESTIC, LLC, as  
successor in interest to A.P. NEW JERSEY,  
INC.; HUDSON SPA, LLC; JOHN DOES 1-  
100; ABC CORPORATIONS 1-100,

Defendants

and

WATERSIDE CONSTRUCTION, LLC; 38  
COAH LLC; DAIBES BROTHERS, INC.;  
NORTH RIVER MEWS ASSOCIATES, LLC;  
FRED A. DAIBES,

Defendants/ Third-Party Plaintiffs

v.

NEGLIA ENGINEERING ASSOCIATES,

Third-Party Defendants,

and

ALCOA DOMESTIC, LLC as successor in  
interest to A.P. NEW JERSEY, INC.,

Defendant/Third-Party Plaintiff,

v.

COUNTY OF BERGEN; RIVER ROAD  
IMPROVEMENT PHASE II, INC.; HUDSON  
SPA, LLC,

Third-Party Defendants.

Civil Action No. 14-5060

**ORDER**

**John Michael Vazquez, U.S.D.J.**

For the reasons set forth in the accompanying Opinion, and for good cause shown,

IT IS on this 30th day of June, 2021,

**ORDERED** that Plaintiff's motion for summary judgment (D.E. 347) is **DENIED**; and it is further

**ORDERED** that Plaintiff's motion for summary judgment (D.E. 348) is **DENIED**; and it is further

**ORDERED** that Plaintiff's motion for summary judgment (D.E. 350) is **GRANTED in part and DENIED in part**; and it is further

**ORDERED** that Plaintiff's motion (D.E. 350) is **GRANTED** as to Plaintiff's Spill Act claim against Waterside Construction, LLC; and it is further

**ORDERED** that Plaintiff's motion (D.E. 350) is **GRANTED** as to Plaintiff's Spill Act claim against 38 COAH; and it is further

**ORDERED** that Plaintiff's motion (D.E. 350) is otherwise **DENIED**; and it is further

**ORDERED** that Plaintiff's motion for summary judgment (D.E. 353) is **GRANTED in part and DENIED in part**; and it is further

**ORDERED** that Plaintiff's motion (D.E. 353) is **GRANTED** as to Plaintiff's CERCLA claim against Waterside Construction, LLC as an "operator"; and it is further

**ORDERED** that Plaintiff's motion (D.E. 353) is **GRANTED** as to Plaintiff's CERCLA claim against Waterside Construction, LLC as an "transporter"; and it is further

**ORDERED** that Plaintiff's motion (D.E. 353) is otherwise **DENIED**.

  
John Michael Vazquez, U.S.D.J.